

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Public Rights of Way Committee**
held on Tuesday, 18th March, 2014 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor Rhoda Bailey (Vice-Chair, in the Chair)

Councillors S Davies, O Hunter (Sub for Cllr J Wray), S Jones and M Parsons

Officers

Mike Taylor, Rights of Way Manager
Genni Butler, Countryside Access Development Officer
Marianne Nixon, Public Path Orders Officer
Rachel Goddard, Solicitor
Rachel Graves, Democratic Services Officer

33 APOLOGIES FOR ABSENCE

Apologies were received from Councillors D Druce, K Edwards and J Wray.

34 DECLARATIONS OF INTEREST

There were no declarations of interest.

35 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 9 December 2013 be confirmed as a correct record and signed by the Chairman.

36 PUBLIC SPEAKING TIME/OPEN SESSION

No members of the public present wished to speak.

37 HIGHWAYS ACT 1980 SECTION 119: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NO'S 12 (PART) AND 12A, PARISH OF HOUGH

The Committee considered a report which detailed an application from Mr E Wright (the Applicant) of the Hollies Farm Kennels & Cattery, Birch Lane, Hough, requesting that the Council make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpath No.12 and Public Footpath No.12A in the parish of Hough.

In accordance with Section 119(1) of the Highways Act 1980 it was within the Council's discretion to make an Order if it appeared to the Council to be expedient to do so in the interests of the public or the owner, lessee or occupier of the land crossed by the path.

The land over which the sections of the paths to be diverted, and the proposed diversions belonged to the Applicant. Public Footpath No.12A Hough passed close to the kennel and cattery buildings and the house at the Applicant's property and then crossed their garden to terminate at a field gate where it joined Public Footpath No.12 Hough.

Diverting the path away from the Applicant's kennel/cattery business and home would enable better management of livestock within their business whilst affording improved privacy to their home and greater security for both.

The consequence of diverting Public Footpath No.12A Hough would be that Public Footpath No.12 Hough, to which it connects, would become a cul-de-sac path. To keep the paths connected and preserve the right to walk between Cobbs Lane and Birch Lane, Public Footpath No.12 must also be diverted. Diverting to the proposed alignment would provide better stock and land management for the Applicant.

The Committee noted that no objections had been received during the informal consultations and considered that the proposed route would not be substantially less convenient than the existing route. Diverting the footpaths would offer improved privacy and security to the Applicant's property and also be more convenient for users as would have less path furniture to negotiate. It was therefore considered that the proposed route would be a satisfactory alternative to the current one and that the legal tests for the making and confirming of a diversion order were satisfied.

The Committee unanimously

RESOLVED: That

- (1) An Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to divert part of Public Footpath Nos.12 and all of Public Footpath No.12A Hough by creating new sections of each public footpath and extinguishing the current path sections, as illustrated on Plan No.HA/093, on the grounds that it is expedient in the interests of the owner of the land crossed by the paths.
- (2) Public Notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.

- (3) In the event of objections to the Order being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

38 CYCLE TRACKS ACT 1984 PROPOSED CYCLE TRACKS ORDER: CREWE FOOTPATHS NOS. 3 (PART) AND 36

Note: Councillor S Jones arrived at the meeting during consideration of this item and was permitted to speak but did not vote on the matter.

The Committee considered a report which detailed a proposal to change the legal status of lengths of Public Footpath Nos.3 (part) and 36 in Crewe to cycle track.

Under section 3 of the Cycle Tracks Act 1984, a local highway authority had the power to make a Cycle Track Order to convert a public footpath into a cycle track.

Crewe Local Area Partnership Highways sub-group and the sustainable transport charity Sustrans had put forward a proposal to convert lengths of footpath for use by cyclists. The proposal would enable cyclists to use the route as a traffic-free cycle track to travel to and from the Crewe town centre and allow the promotion of the route to such users through signage and mapping.

It was proposed that two lengths of public footpath running between Hungerford Road, Coleridge Way and Sydney Road in Crewe – as shown between points A-B-C-D on Plan No.CTA/001, be made into cycle tracks. The route would offer connections between Crewe town centre and communities at the edge of the town and in the villages beyond. These routes were in fact already being used illegally as cycle tracks for this purpose.

A safety assessment had been carried out by Cheshire East Highways which recommended that the proposal to convert to cycle track be applied only to the route that ran between Hungerford Road and Sydney Road (points A-B-D on Plan No.CTA/001) as it offered a straight wider route. The spur leading from this route to Coleridge Way (between points B-C) was considered to have insufficient width to promote as a shared use pedestrian/cyclist path.

The Committee noted the responses received from the informal consultation undertaken and concluded that the width and sightlines on the route between Hungerford Road and Sydney Road (points A-B-D on Plan No.CTA/001) would be adequate for the path to be used as a shared use route, whilst the spur leading to Coleridge Way (points B-C) did not have sufficient width to be converted into a cycle track.

The Committee **RESOLVED:** That

- (1) An Order be made under Section 3 of the Cycle Track Act 1984 to convert to cycle track those lengths of public footpath between points A-B-D, as illustrated on Plan No.CTA/001.
- (2) Public Notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Act.
- (3) In the event of objections to the Order being received and not resolved, Cheshire East Council be responsible for the conduct of any hearing or public inquiry.

The meeting commenced at 2.00 pm and concluded at 2.35 pm

Councillor Rhoda Bailey (Vice-Chair, in the Chair)